

Meek (FL)	Rahall	Stark
Meeks (NY)	Ramstad	Stearns
Menendez	Rangel	Stenholm
Metcalf	Regula	Strickland
Mica	Reyes	Stump
Millender-	Reynolds	Stupak
McDonald	Rivers	Sununu
Miller (FL)	Rodriguez	Sweeney
Miller, Gary	Roemer	Talent
Miller, George	Rogan	Tancred
Minge	Rogers	Tanner
Mink	Rohrabacher	Tauscher
Moakley	Ros-Lehtinen	Tauzin
Mollohan	Rothman	Taylor (MS)
Moore	Roukema	Taylor (NC)
Moran (KS)	Roybal-Allard	Terry
Moran (VA)	Royce	Thomas
Morella	Rush	Thompson (CA)
Murtha	Ryan (WI)	Thompson (MS)
Myrick	Ryun (KS)	Thornberry
Nadler	Sabo	Thune
Napolitano	Salmon	Thurman
Neal	Sanchez	Tiahrt
Nethercutt	Sanders	Tierney
Ney	Sandlin	Toomey
Northup	Sanford	Towns
Norwood	Sawyer	Trafficant
Nussle	Saxton	Turner
Oberstar	Scarborough	Udall (CO)
Obey	Schaffer	Udall (NM)
Olver	Schakowsky	Upton
Ortiz	Scott	Velazquez
Ose	Sensenbrenner	Visclosky
Owens	Serrano	Vitter
Oxley	Sessions	Walden
Packard	Shadegg	Walsh
Pallone	Shaw	Wamp
Pascrell	Shays	Waters
Pastor	Sherman	Watkins
Payne	Sherwood	Watt (NC)
Pease	Shimkus	Watts (OK)
Pelosi	Shows	Waxman
Peterson (MN)	Shuster	Weiner
Peterson (PA)	Simpson	Weldon (FL)
Petri	Sisisky	Weldon (PA)
Phelps	Skeen	Weller
Pickering	Skelton	Weygand
Pickett	Slaughter	Whitfield
Pitts	Smith (MI)	Wicker
Pombo	Smith (NJ)	Wilson
Pomeroy	Smith (TX)	Wise
Porter	Smith (WA)	Wolf
Portman	Snyder	Woolsey
Price (NC)	Souder	Wu
Pryce (OH)	Spence	Wynn
Quinn	Spratt	Young (AK)
Radanovich	Stabenow	Young (FL)

## NAYS—1

DeFazio

## NOT VOTING—17

Ballenger	Hinojosa	Meehan
Dunn	Houghton	Paul
Eshoo	King (NY)	Riley
Franks (NJ)	Lazio	Vento
Hastings (FL)	McCollum	Wexler
Hefley	McIntosh	

□ 1543

Mr. CONDIT changed his vote from "nay" to "yea."

So the joint resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 506, H. Res. 603, waiving Points of Order against the Conference Report on H.R. 4578. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 507, H.R. 4578, the Interior Appropriations Conference Report for Fiscal Year 2001. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 508, H.J. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early de-

tection and treatment, and other efforts in the fight against breast cancer. Had I been present I would have voted "yea." Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 509, H.J. Res. 110, making further appropriations for fiscal year 2001. Had I been present I would have voted "yea."

## FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

□ 1545

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

## PROVIDING FOR CONCURRENCE BY HOUSE WITH AN AMENDMENT IN SENATE AMENDMENTS TO H.R. 707, DISASTER MITIGATION ACT OF 2000

Mrs. FOWLER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 607) providing for the concurrence by the House with an amendment in the Senate amendments to H.R. 707.

The Clerk read as follows:

H. RES. 607

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 707, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate to the text with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.  
Sec. 103. Interagency task force.  
Sec. 104. Mitigation planning; minimum standards for public and private structures.

## TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.  
Sec. 202. Management costs.  
Sec. 203. Public notice, comment, and consultation requirements.  
Sec. 204. State administration of hazard mitigation grant program.  
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.  
Sec. 206. Federal assistance to individuals and households.  
Sec. 207. Community disaster loans.  
Sec. 208. Report on State management of small disasters initiative.  
Sec. 209. Study regarding cost reduction.

## TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.  
Sec. 302. Definitions.  
Sec. 303. Fire management assistance.  
Sec. 304. President's Council on Domestic Terrorism Preparedness.  
Sec. 305. Disaster grant closeout procedures.  
Sec. 306. Public safety officer benefits for certain Federal and State employees.  
Sec. 307. Buy American.  
Sec. 308. Treatment of certain real property.  
Sec. 309. Study of participation by Indian tribes in emergency management.

## TITLE I—PREDISASTER HAZARD MITIGATION

## SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

#### SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

##### “SEC. 203. PREDISASTER HAZARD MITIGATION.

“(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term ‘small impoverished community’ means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

“(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the ‘Fund’), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

“(d) STATE RECOMMENDATIONS.—

“(i) IN GENERAL.—

“(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

“(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

“(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

“(2) USE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

“(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

“(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection

(g), any local governments of the State to receive assistance under this section.

“(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—Technical and financial assistance provided under this section—

“(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

“(B) may be used—

“(i) to support effective public-private natural disaster hazard mitigation partnerships;

“(ii) to improve the assessment of a community’s vulnerability to natural hazards; or

“(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

“(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

“(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

“(1) shall be not less than the lesser of—

“(A) \$500,000; or

“(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

“(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

“(3) shall be subject to the criteria specified in subsection (g).

“(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

“(1) the extent and nature of the hazards to be mitigated;

“(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

“(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

“(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

“(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

“(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

“(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

“(8) the opportunity to fund activities that maximize net benefits to society;

“(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

“(10) such other criteria as the President establishes in consultation with State and local governments.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

“(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the Presi-

dent may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

“(i) NATIONAL PREDISASTER MITIGATION FUND.—

“(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the ‘National Predisaster Mitigation Fund’, to be used in carrying out this section.

“(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

“(A) amounts appropriated to carry out this section, which shall remain available until expended; and

“(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

“(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

“(4) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(E) TRANSFERS OF AMOUNTS.—

“(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

“(k) MULTHAZARD ADVISORY MAPS.—

“(1) DEFINITION OF MULTHAZARD ADVISORY MAP.—In this subsection, the term ‘multihazard advisory map’ means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

“(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

“(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

“(4) USE OF MAPS.—

“(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development

of any new policy by, or impose any new policy on, any government or private entity.

“(B) AVAILABILITY OF MAPS.—The multi-hazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

“(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

“(ii) supporting the activities described in subsection (e); and

“(iii) other public uses.

“(I) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

“(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.”.

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

**“TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE”.**

**SEC. 103. INTERAGENCY TASK FORCE.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

**“SEC. 204. INTERAGENCY TASK FORCE.**

“(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

“(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

“(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

“(1) relevant Federal agencies;

“(2) State and local government organizations (including Indian tribes); and

“(3) the American Red Cross.”.

**SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

**“SEC. 322. MITIGATION PLANNING.**

“(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

“(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

“(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

“(2) establish a strategy to implement those actions.

“(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

“(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

“(2) support development of local mitigation plans;

“(3) provide for technical assistance to local and tribal governments for mitigation planning; and

“(4) identify and prioritize mitigation actions that the State will support, as resources become available.

“(d) FUNDING.—

“(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

“(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

“(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

“(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

“(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

“(A) eligibility criteria for property acquisition and other types of mitigation measures;

“(B) requirements for cost effectiveness that are related to the eligibility criteria;

“(C) a system of priorities that is related to the eligibility criteria; and

“(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

**“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.**

“(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

“(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

“(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

“(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.”.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed \$6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking “section 409” and inserting “section 322”; and

(B) in the third sentence, by striking “The total” and inserting “Subject to section 322, the total”.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

**TITLE II—STREAMLINING AND COST REDUCTION**

**SEC. 201. TECHNICAL AMENDMENTS.**

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking “section 803 of the Public Works and Economic Development Act of 1965” each place it appears and inserting “section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))”.

**SEC. 202. MANAGEMENT COSTS.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

**“SEC. 324. MANAGEMENT COSTS.**

“(a) DEFINITION OF MANAGEMENT COST.—In this section, the term ‘management cost’ includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

“(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

“(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

**SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

**“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

“(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

“(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

“(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

“(B) could result in a significant reduction of assistance under the program.

“(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a

major disaster or emergency declared on or after the date on which the policy is adopted.

“(b) CONSULTATION CONCERNING INTERIM POLICIES.—

“(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

“(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

“(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

“(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

“(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.”.

#### SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(c) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

“(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

“(A) the demonstrated ability of the State to manage the grant program under this section;

“(B) there being in effect an approved mitigation plan under section 322; and

“(C) a demonstrated commitment to mitigation activities.

“(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

“(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

“(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.”.

#### SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

“(a) CONTRIBUTIONS.—

“(1) IN GENERAL.—The President may make contributions—

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or de-

stroyed by a major disaster and for associated expenses incurred by the government; and

“(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

“(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

“(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

“(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

“(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

“(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii) the owner or operator of the facility—

“(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

“(II)(aa) has been determined to be ineligible for such a loan; or

“(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

“(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term ‘critical services’ includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

“(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than \$20,000,000, the President shall notify—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.”.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

“(b) FEDERAL SHARE.—

“(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

“(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

“(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

“(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.”.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

“(c) LARGE IN-LIEU CONTRIBUTIONS.—

“(1) FOR PUBLIC FACILITIES.—

“(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

“(i) to repair, restore, or expand other selected public facilities;

“(ii) to construct new facilities; or

“(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

“(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(2) FOR PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

“(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

“(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

“(iii) to fund hazard mitigation measures that the person determines to be necessary

to meet a need for the person's services and functions in the area affected by the major disaster.

“(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

“(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).”

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

“(e) ELIGIBLE COST.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

“(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

“(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

“(B) COST ESTIMATION PROCEDURES.—

“(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

“(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

“(2) MODIFICATION OF ELIGIBLE COST.—

“(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

“(B) ACTUAL COST LESS THAN ESTIMATED COST.—

“(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

“(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assist-

ance under this section shall reimburse the President in the amount of the difference.

“(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

“(3) EXPERT PANEL.—

“(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

“(B) DUTIES.—The expert panel shall develop recommendations concerning—

“(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

“(i) cost estimation procedures described in subparagraph (B)(i); and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

“(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

“(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

#### SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

#### “SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) IN GENERAL.—

“(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to

meet such expenses or needs through other means.

“(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

“(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

“(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—

After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for—

“(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

“(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

“(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(3) REPLACEMENT.—

“(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

“(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

“(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—

“(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

“(i) is complete with utilities; and

“(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

“(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

“(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

“(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

“(v) USE OF GSA SERVICES.—The President may use the services of the General Services

Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

“(i) may be sold to any person; or

“(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

“(I) to comply with the nondiscrimination provisions of section 308; and

“(II) to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

“(f) STATE ROLE.—

“(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

“(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

“(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

“(g) COST SHARING.—

“(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

“(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

“(A) the Federal share shall be 75 percent; and

“(B) the non-Federal share shall be paid from funds made available by the State.

“(h) MAXIMUM AMOUNT OF ASSISTANCE.—

“(1) IN GENERAL.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster.

“(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Con-

sumers published by the Department of Labor.

“(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.”

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

#### SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking “(a) The President” and inserting the following:

“(a) IN GENERAL.—The President”;

(2) by striking “The amount” and inserting the following:

“(b) AMOUNT.—The amount”;

(3) by striking “Repayment” and inserting the following:

“(c) REPAYMENT.—

“(1) CANCELLATION.—Repayment”;

(4) by striking “(b) Any loans” and inserting the following:

“(d) EFFECT ON OTHER ASSISTANCE.—Any loans”;

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking “and shall” and inserting “shall”; and

(B) by inserting before the period at the end the following: “, and shall not exceed \$5,000,000”; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

“(2) CONDITION ON CONTINUING ELIGIBILITY.—

A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.”

#### SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

#### SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

### TITLE III—MISCELLANEOUS

#### SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

##### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Robert T. Stafford Disaster Relief and Emergency Assistance Act’.”

**SEC. 302. DEFINITIONS.**

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking “the Northern” and all that follows through “Pacific Islands” and inserting “and the Commonwealth of the Northern Mariana Islands”;

(2) by striking paragraph (6) and inserting the following:

“(6) **LOCAL GOVERNMENT.**—The term ‘local government’ means—

“(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

“(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

“(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.”; and

(3) in paragraph (9), by inserting “irrigation,” after “utility.”.

**SEC. 303. FIRE MANAGEMENT ASSISTANCE.**

(a) **IN GENERAL.**—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

**“SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

“(a) **IN GENERAL.**—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

“(b) **COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.**—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

“(c) **ESSENTIAL ASSISTANCE.**—In providing assistance under this section, the President may use the authority provided under section 403.

“(d) **RULES AND REGULATIONS.**—The President shall prescribe such rules and regulations as are necessary to carry out this section.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

**SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.**

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

**“Subtitle C—President's Council on Domestic Terrorism Preparedness****“SEC. 651. ESTABLISHMENT OF COUNCIL.**

“(a) **IN GENERAL.**—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the ‘Council’).

“(b) **MEMBERSHIP.**—The Council shall be composed of the following members:

“(1) The President.

“(2) The Director of the Federal Emergency Management Agency.

“(3) The Attorney General.

“(4) The Secretary of Defense.

“(5) The Director of the Office of Management and Budget.

“(6) The Assistant to the President for National Security Affairs.

“(7) Any additional members appointed by the President.

“(c) **CHAIRMAN.**—

“(1) **IN GENERAL.**—The President shall serve as the chairman of the Council.

“(2) **EXECUTIVE CHAIRMAN.**—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the ‘Executive Chairman’). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

“(3) **SENATE CONFIRMATION.**—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

“(d) **FIRST MEETING.**—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

**“SEC. 652. DUTIES OF COUNCIL.**

“The Council shall carry out the following duties:

“(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

“(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

“(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

“(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

“(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

“(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

“(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

“(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

“(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

“(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

“(A) changes in the organization, management, and resource allocations of the departments and agencies; and

“(B) the allocation of personnel to and within the departments and agencies, to implement the Domestic Terrorism Preparedness Plan.

“(11) Assess all Federal terrorism preparedness programs and ensure that each program

complies with the Domestic Terrorism Preparedness Plan.

“(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

“(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

“(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

“(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

**“SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.**

“(a) **DEVELOPMENT OF PLAN.**—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

“(b) **CONTENTS.**—

“(1) **IN GENERAL.**—The Domestic Terrorism Preparedness Plan shall include the following:

“(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

“(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

“(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

“(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

“(2) **EVALUATION OF FEDERAL RESPONSE TEAMS.**—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

“(c) **ANNUAL STRATEGY.**—

“(1) **IN GENERAL.**—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

“(2) **CONTENTS.**—The annual strategy for a fiscal year shall include the following:

“(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program



and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

“(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

“(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

“(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

“(d) CONSULTATION.—

“(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

“(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

“(B) Congress;

“(C) State and local officials;

“(D) congressionally authorized panels; and

“(E) emergency preparedness organizations with memberships that include State and local emergency responders.

“(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

“(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

“(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

“(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

“(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

“(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

“(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

“(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

“(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons

providing transportation, and representatives of employees of such persons.

“(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

#### “SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

“(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

“(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

“(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

“(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

“(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

“(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

“(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

“(A) establishing a new program or office; or

“(B) reallocating resources, including Federal response teams.

#### “SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

“The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

#### “SEC. 656. POWERS OF COUNCIL.

“In carrying out this subtitle, the Council may—

“(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

“(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

“(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

“(4) accept and use donations of property from Federal, State, and local government agencies;

“(5) use the mails in the same manner as any other department or agency of the executive branch; and

“(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

#### “SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

“The Council may, in the Council’s role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council’s working group structure.

#### “SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

“(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

“(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

“(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

#### “SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

“(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

“(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

“(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

“(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or



agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

**“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subtitle \$9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.”.

**SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.**

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

**“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

“(a) STATUTE OF LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

“(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

“(b) REBUTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

“(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

“(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

“(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

“(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

“(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

“(1) the payment was authorized by an approved agreement specifying the costs;

“(2) the costs were reasonable; and

“(3) the purpose of the grant was accomplished.”.

**SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.**

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

“(7) ‘public safety officer’ means—

“(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

“(B) an employee of the Federal Emergency Management Agency who is per-

forming official duties of the Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

“(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the head of the agency to be hazardous duties.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

**SEC. 307. BUY AMERICAN.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term “debar” has the meaning given the term in section 2393(c) of title 10, United States Code.

**SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.**

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;

(2) Maple Terrace Phase II;

(3) Maple Terrace Phase III Unit 1;

(4) Maple Terrace Phase III Unit 2;

(5) Maple Terrace Phase III Unit 3;

(6) Maple Terrace Phase IV Unit 1;

(7) Maple Terrace Phase IV Unit 2; and

(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

**SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.**

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

In 1998, the State of Florida endured one of the most tragic natural disasters, wildfires. Over 2,000 wildfires burned Statewide and every county in Florida felt the impact. When the smoke cleared, over half a million acres had been burned, numerous businesses were wiped out and over 300 homes were significantly damaged or completely destroyed.

Three hundred homes. It is hard to imagine what that means unless one of those homes is yours. I would like to relate a story about one of my constituents who lived in one of those homes.

Greg Westin is a resident of Flagler County and a deputy sheriff. In July of 1998, Deputy Westin left his home for work at 7 a.m. to help county officials and firefighters battle the ongoing fires. Throughout the day, Deputy Westin stayed in close contact with his wife and two children to give them updates on the fires. Then eventually he

had to tell his own family to evacuate. But despite his own home being in peril, Deputy Westin did not give up. He continued to fight the fires on the opposite side of the county. In fact, he was working side by side with firefighters in the southern part of Flagler County when his own home caught fire and burned to the ground.

I applaud Deputy Westin's heroic dedication and efforts. But more than that, I want to help him and all of the other people who suffer the devastation of and who respond to these emergencies.

This resolution will send to the other body a bill that could have spared the State, my district and people like Greg Westin from some of this devastation.

The House originally passed H.R. 707 by an overwhelming vote on March 5, 1999. The other body passed an amended version this past July. This resolution reflects provisions negotiated with the other body over the last few months.

The resulting language addresses two separate needs: First, it increases spending authority for projects that help prevent damage from disasters, like elevating structures in the flood plain or conducting preventive burns in fire hazard areas so that we focus on protecting American lives and homes.

Second, it adopts measures that would modify and streamline the current postdisaster assistance program so that we will reduce Federal disaster assistance costs without adversely affecting disaster victims.

There is one section of this bill, section 304, that we did not have time to come to complete agreement on with the other body. This section establishes the President's Council on Domestic Terrorism Preparedness in the Executive Office of the President. This section is identical to section 9 of H.R. 4210 which passed the House by a unanimous vote on July 25, 2000.

This is an important provision. We now live in a world where a small group of individuals can kill or injure hundreds, even thousands of people with such weapons as anthrax, nerve gas, or a truckload of readily available explosives. This section will coordinate the hundreds of terrorism preparedness programs currently run by over 40 agencies in the Federal Government.

The council is not an operational entity. Rather, the council will set out and oversee the implementation of a coherent governmentwide policy. Last week, a congressionally commissioned bipartisan panel, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore-Bremer Commission, unanimously recommended that a single White House level office be established to coordinate terrorism preparedness efforts. That is precisely what section 304 will do.

I would like to thank the ranking member of the full committee the gentleman from Minnesota (Mr. OBERSTAR)

for his continued counsel and support. He has really taken the time to listen to these issues, to learn the details when it was necessary and to really work with me on this very important, crucial issue to all Americans. I would also like to thank the chairman of the committee the gentleman from Pennsylvania (Mr. SHUSTER) for his advice and support. As the record shows, in the last 6 years the gentleman from Pennsylvania has been an extraordinarily effective and successful legislator. I thank him, also, for his support regarding this bill.

This legislation will help alleviate the pain and suffering and property damage not only of Floridians but of all Americans. It also has the added benefit of reducing our Federal disaster costs. In addition, this resolution will make an important step toward organizing the Federal programs designed to prepare our emergency responders to face the consequences of terrorist attacks.

Madam Speaker, I urge support for this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, the second time that we have had to take up this legislation in this body. This legislation represents tireless work on the part of the gentlewoman from Florida who has given exhausting hours of her time to fashion a bill that will be effective and that will respond to the concerns that she has already laid out so well, not only in Florida but elsewhere around this country. The cooperative work that she has undertaken with our ranking member, the gentleman from Ohio (Mr. TRAFICANT), has been exemplary; and I appreciate the many visits that we have had about this and about the terrorism commission legislation which I will address in a moment.

The benefits of the disaster mitigation bill are that first of all it establishes a predisaster mitigation program based on the very effective Project Impact initiative. This is the first time that we will be attempting at the Federal level to address problems before they occur. I think properly so, because if we address problems that we have learned cause increased losses, we can avoid those losses in future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There is, however, one concern I have about the legislation, and, that is, both House and Senate bills require nonprofit entities to seek loans from the Small Business Administration as a precondition, a normal requirement of disaster legislation. But these nonprofits are singled out not for what they do but for who they are. They should not be discriminated against in this fashion. We ought to treat them as

we do other entities. Certain facilities such as custodial care for aged or disabled, homeless shelters, senior citizens centers, community centers, museums, and libraries are less eligible for direct Federal assistance while private utilities and irrigation districts have a different standing. It is not a fatal flaw in the bill, not one that would cause me to oppose it but one that I hope can be revisited and substantially fixed in the future.

The second portion that the gentlewoman has added to this legislation is the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has, as I said, again devoted tireless hours and very deep personal conviction, which I greatly respect and I want this body to understand and I want the other body to understand this as well. This is not something that she has undertaken as a gesture but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies, careful analysis of the situation and the failure of the existing system to perform as we intended.

I do support the initiative of the President's council. I have worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me in years to come after she enters retirement, she does not want to look back on a tragedy and say, "That could have been prevented. I could have done something while I was in Congress." She is doing something, Madam Speaker. She is doing something of great substance and of lasting value. I hope that the other body will concur in this initiative.

Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota (Mr. OBERSTAR) for the purpose of a colloquy.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding.

The amendment adopted by this resolution would change the definition of "private nonprofit facility" and "critical services" regarding irrigation facilities. I would like the gentlewoman to explain the intention of these changes.

Mrs. FOWLER. Reclaiming my time, the intention of the amendment is to eliminate confusion over the current law. Irrigation facilities should be eligible for Federal assistance to the extent that they provide water for essential services of a governmental nature to the general public. This is water for other than agriculture, such as fire suppression, generating and supplying electricity and drinking water supply.

Facilities providing essential services such as these could be fully eligible for assistance. However, since facilities exclusively providing agricultural water supply are not eligible for assistance, where facilities provide both types of service, eligibility for assistance should be determined on a prorated basis. An irrigation facility, like all private nonprofit facilities eligible for assistance, should not be considered ineligible for assistance simply because it is located on private property.

Mr. OBERSTAR. I thank the gentlewoman for her clarification and explanation.

Mrs. FOWLER. Madam Speaker, I wish to extend my thanks to all the committee and subcommittee personnel on both the majority and minority side who have spent so much time and effort in working this resolution out.

Madam Speaker, I include the following statement of Virginia Governor, James Gilmore, on behalf of the congressionally authorized bipartisan Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction for the RECORD:

NATIONAL TERRORISM PANEL CALLS FOR WHITE HOUSE TERRORISM MANAGEMENT OFFICE

GOVERNOR GILMORE PANEL, CALL FOR "SWEEPING CHANGES" TO ADDRESS NATIONAL TERRORISM PREPAREDNESS

RICHMOND, VA.—Governor Jim Gilmore, chairman of a national panel that is assessing U.S. preparedness for a terrorist attack inside U.S. borders, today announced the panel's consensus that a single federal entity within the White House be given overall authority for the planning and coordination of the nation's preparedness for the consequences of a domestic terrorist strike.

"The issue of who-is-in-charge at the federal level is one of the key questions that must be addressed in order to develop a sensible, comprehensive national policy on how we can best respond to, and recover from, a terrorist attack inside our borders. Today, the panel agreed that at the forefront of sweeping changes to the way America prevents as well as deals with a terrorist attack on U.S. soil is the establishment of a White House-level Office of Domestic Preparedness for Terrorism Management," said Governor Gilmore.

Governor Gilmore is chairman of the commission known as the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. The panel is in the process of recommending a federal, state and local response and recovery strategy to be submitted to the President and Congress in two final reports, the first due December 15, 2000. The panel will offer its final report in December 2001. A copy of the first report can be found at [www.rand.org/organization/nard/terrpanel](http://www.rand.org/organization/nard/terrpanel).

The panel began two days of meetings in Richmond today. Governor Gilmore was appointed chairman in April 1999 of the panel.

As it did in the first report, the panel's December 2000 report is expected to further reiterate its call for a clear, comprehensive national strategy, especially one that takes into account the broad range of disaster-response experience of state and local first responders—fire, police, health and medical, emergency managers.

"Integrating the nation's ability to effectively and simultaneously conduct concurrent law enforcement and consequence management operations is a key element of national preparedness. Terrorism events require these two distinct elements be integrated with multiple disciplines, including the military, and levels of government into a single response structure."

"It is critical that we be able to 'operate as one,' within different levels of responsibility, ranging from the emergency first-response community to elected officials, whether at the local, state or federal levels," governor Gilmore said. "Currently, we do not have such a focused, coordinated mechanism. Some federal agencies have good plans and operational strategies, but there is little or no strategic guidance because there is no one agency or entity in charge. That needs to change, and quickly."

Members of the Panel include retired Lt. Gen. James Clapper, Jr., former Director, Defense Intelligence Agency; L. Paul Bremer III, former State Department ambassador-at-large for counter-terrorism; Dr. Richard Falkenrath, Harvard University Kennedy School of Government; James Greenleaf, former Assistant Director, FBI; retired Maj. Gen. William Garrison, former commander, U.S. Army Special Operations; Dr. Ken Shine, President, National Institute of Medicine; John O. Marsh, former Secretary of the Army, and other state, local and nationally recognized experts in emergency management, law enforcement, fire and rescue operations, and public health.

Panel activities for 2000 will focus on a survey of local and state emergency management and response officials; a thorough review of federal programs; interviews with federal, state, and local officials, including elected leaders, on their concerns and recommendations; case studies, and an analysis of training standards, equipment, notification procedures, communications; and planning.

Mrs. FOWLER. Madam Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and agree to the resolution, House Resolution 607.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1600

#### GENERAL LEAVE

Mrs. FOWLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 607.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

#### NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 5178) to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 5178

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Needlestick Safety and Prevention Act."

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the "RFI") conducted by the Occupational Safety and Health Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing healthcare workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to